

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No.13-10200-GAO
)	
DZHOKHAR A. TSARNAEV,)	
Defendant)	

AGREED-TO PROPOSAL REGARDING PROCEDURES FOR JURY SELECTION

The United States of America, by and through its undersigned attorneys, respectfully submits the following proposal for selecting a jury in this case, to which Dzhokhar Tsarnaev, by and through his undersigned attorneys, assents.

The parties propose that the Court seat 12 jurors and six alternates using the following procedures and schedule for jury selection:

- Approximately six weeks in advance of trial (currently scheduled for 11/03/14), 2,000 summonses will be mailed to potential jurors.
- On a date to be determined by the Court, the parties will jointly propose a jury questionnaire to be completed by potential jurors as set forth below. If the parties cannot agree on a proposed questionnaire they will file separate proposals for the Court's consideration.
- At least three entire business days before jury selection commences (i.e. before potential jurors arrive to fill out

questionnaires and are sworn), the Court will furnish the parties with a list of the veniremen. See 18 U.S.C. § 3432.

- On the date the trial is scheduled to begin (currently 11/03/14), 800 potential jurors will be brought into the Jury Assembly Room in groups of 200 to be told by the Court about the case, introduced to the parties and attorneys, and read the names of potential witnesses. The potential jurors will then be sworn and given questionnaires to complete before leaving the courthouse. Four hundred jurors will be summoned on each of two successive days, 200 each morning and 200 each afternoon.
- As soon as possible after the questionnaires are completed, the Court will distribute copies to the parties. After the parties have had one week to review the questionnaires, they will submit a list of jurors whom they jointly agree may be struck for cause from the first 400 questionnaires. After the Court rules on the jointly agreed-upon strikes, the voir dire of potential jurors shall commence. Additional juror questionnaires will be reviewed, and the process of recommending and ruling upon agreed-upon excuses will be repeated as necessary to ensure a sufficient number of jurors for voir dire.

- Voir dire will continue until 70 jurors have been qualified (12 jurors, six alternates, 20 strikes per side for jurors, three strikes per side for alternatives, and six additional qualified jurors as a safety buffer) or until a jury is empanelled, depending on the method of exercising peremptory challenges. Nothing in this recommendation prohibits a party from moving for additional peremptory challenges.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document was filed on February 10, 2014, through the ECF system, which will provide electronic notice to counsel as identified on the Notice of Electronic Filing.

/s/ William D. Weinreb
WILLIAM D. WEINREB
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